

## CITY COMMISSION MINUTES

September 16, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, September 16, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Mike Rhodes, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: Assistant City Manager Mike Guinn, City Engineer Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

### PLEDGE OF ALLEGIANCE

### CONSENT AGENDA

Commissioner Rhodes moved, seconded by Commissioner Talley to approve the Consent Agenda. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **September 2, 2008**, City Commission meeting minutes.
- b. Approval of the **September 8, 2008**, Special City Commission meeting minutes.
- c. Approval of the **August 22, 2008**, Special City Commission meeting minutes.
- d. The consideration of **Appropriation Ordinance** dated August 28, 2008, through September 10, 2008, in the amount of \$790,857.00.
- e. Monthly Reports
  1. Water Department
  2. Personnel Department
  3. Rolling Meadows Golf Course
  4. Fire/EMS Department
  5. Recreation Department
  6. Codes Department
  7. Police Department
- f. The consideration and approval of **Ordinance S-3025** excluding and de-annexing certain land from the City of Junction City. **(Final Reading)**
- g. The approval of **Reduction of Monthly Fee** from Omni EMS Billing Services from 9% to 7.5%.
- h. The consideration and approval of **Pay Request #1** by Konza Construction for services through August 25, 2008, for Rucker Road – US 77 to Whitney, in the amount of \$53,253.90.
- i. The consideration and approval to **Advertise for On-Call Construction Management and Observation** Services for October 15, 2008.
- j. The consideration and approval of **Pay Request #1** by Kaw Valley Engineering for professional services on the Ash and Eisenhower Intersection, in the amount of \$10,759.00.

- k. The consideration and approval of **Grant of Construction Easement and Donation of Right-of-Way** from Randy and Diana Dean for the Spring Valley Road Corridor Improvements.
- l. The consideration and approval of **Pay Request** to Ben Kitchens Painting, Inc., for completion of 2009 North Madison, in the amount of \$15,000.00. (Work is part of the Buffalo Soldier Housing Rehabilitation Grant.)
- m. The consideration and approval of **Pay Request #11** by BG Consultants, Inc., for professional services completed through August 31, 2008, for the Ditch Drainage with Patch Project, in the amount of \$19,685.12. (KDOT will reimburse \$14,763.84.)
- n. The consideration and approval of **R-2506** endorsing transportation improvements for the greater Fort Riley Communities and Counties in Kansas of a new state-wide comprehensive transportation program.

### **SPECIAL PRESENTATIONS**

- a. Special presentation by Officer Wigton for the Yard of the Year. **(REMOVED FROM THE AGENDA.)**
- b. Special presentation to the City from the CVB; Connie Hall and Rick Dykstra. Connie Hall presented Mayor Wunder with a Sundown Salute picture and a new 2008 Sundown Salute DVD that will be distributed on Fort Riley and also sent overseas.

### **PUBLIC HEARINGS**

- a. Mayor Wunder opened the **Public Hearing** to establish a Redevelopment District within the City (Golden Belt Plaza Retail Project). City Attorney, Katie Logan, informed the Commission that this is the second time for this action to come before the Commission. Prior to the second reading on the first time, it was discovered that the property had not been annexed into the City. The property has since been annexed. The process must begin again to establish a Redevelopment District. David Alexander, 1204 McFarland Road, Junction City, stated that he is concerned why the City is not developing the current areas instead of the new developments. Mayor Wunder stated that the City is not the developer and has no control over what goes on these properties. Mr. Alexander stated that the City has control over the road and infrastructure and he doesn't see any progress through the EDC. Commissioner Rhodes stated that the EDC worked with IHOP, the hotel and the boat dealer on East Ash Street. Mayor Wunder informed Mr. Alexander that his concerns would be forwarded to the EDC Board. Mayor Wunder closed the public hearing.
- 1. The consideration and approval **Ordinance S-3026** establishing a Redevelopment District within the City (Golden Belt Plaza Retail Project). **(First Reading)**. Kirk Short informed the Commission that he plans to begin on the project mid-December. The only delay he is anticipating is weather delays. City Attorney, Katie Logan, stated that this action is the first of two steps to establish a TIF District. The details of the development plan will be approved separately. Mr. Short stated that he is not asking the City to pay for the project. Additional tax dollars will be recovered once the property is developed. This is a different scenario than the usual process and is a new process to the City. Mr. Short wants a win-win situation for both his company and the City. Commissioner Taylor stated that he has heard a lot of favorable comments and that this project would fulfill a need along that corridor. Commissioner Rhodes stated that the TIF can potentially assist with improvements to the intersection at US 77, Golden Belt Boulevard and Lacy Drive.

Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Ordinance S-3026 establishing a Redevelopment District within the City (Golden Belt Plaza Retail Project) (First Reading). Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## YOUTH COMMENTS

Mitchell Brennan informed the Commission that the Youth Commission is focusing on three projects:

1. Membership – The Youth Commission received good feedback so far and has two applications that have been submitted. They currently have four members and need five more.
2. Boys and Girls Club Haunted House – they are sponsoring a room once again for the Haunted House and have deemed the theme of their room Saw (from the movie).
3. YAR Board – Youth as Resources. Students can apply for grants through the local YAR Board for funding to assist with service projects.

## NEW BUSINESS

- a. The consideration and approval of **Change Order #1 and Change Order #2** by Konza Construction for the Rucker Road – US 77 to Whitney project. Tom Bennett with BG Consultants stated that they had had the area surveyed and presented the plans to the City and Veolia Water. The 20-inch pipe was not located in the field. Mr. Bennett stated that this was not an unusual situation. This pipe was hard to locate due to the lack of metal in the pipe material that is now used in pipes. City Engineer, Christina Cook, stated that change order #2 is for 75 feet of the pipe be encased in eight inches of concrete at a cost of \$24,600.00. Also included is the increase from one to ten hydraulic potholing due to the difficulty in locating the pipe at a cost of \$4,500.00. There is a decrease of \$770.00 due to design change. Due to the location of the water line, it is necessary to grind the tree stumps which is a cost of \$13,950.00. There is a cost to raise fire hydrants at a cost of \$13,640.00. The total cost of the change order is \$55,920.00. Mr. Bennett stated that this project is heavily sequenced and he requested that the Commission not stop the project. Commissioner Talley feels that the City Engineer should come back to the Commission with more concrete information as to what happened and who is at fault. Mayor Wunder asked to meet with the City Manager and the City Engineer to discuss the issues with this project. City Attorney, Katie Logan, confirmed that the City can assess damages once fault is determined. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve encase 75 feet of the 20-inch water line in concrete at a cost not to exceed \$24,600.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Commissioner Taylor asked for a report of any other 20-inch mains and report back to the Commission. The City Engineer is working on a procedure to address these issues.
- b. The consideration and approval of **Award of Contract** to Konza Construction for the Opera House alleyway overlay, in an amount not to exceed \$12,360.00. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Award of Contract to Konza Construction for the Opera House alleyway overlay in an amount not to exceed \$12,360.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of **Award of Contract** to HWS Consulting Group to perform a feasibility study on Deer Creek Drainage Improvements, in an amount not to exceed \$15,654.10. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve the Award of Contract to HWS Consulting Group to perform a feasibility study on Deer Creek

Drainage Improvement in an amount not to exceed \$15,654.10. Ayes: Heldstab, Rhodes, Wunder. Nays: Talley, Taylor. Motion carried three to two.

- d. The consideration and approval of **Notice of Award** for Construction Management and Construction Observation of the Spring Valley Road, Fox Sparrow Court to Sutter Woods Road Project. (Bids received September 16, 2008, and will be given to Commissioners at the meeting.) Commissioner Talley moved, seconded by Commissioner Heldstab to table this action due to no hard cost being available. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- e. The consideration and approval of **R-2502** authorizing the sale of property at 106 Snell Avenue to Terry and Mary Fleming, in the amount of \$2,500.00. Assistant City Manager, Mike Guinn, stated that the deed restriction that no future permanent structures are to be built has been added to the contract. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve R-2502 authorizing the sale of property at 106 Snell Avenue to Terry and Mary Fleming in the amount of \$2,500.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration and approval of **R-2503** authorizing the sale of property at 108 Snell Avenue to Terry and Mary Fleming, in the amount of \$2,500.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve R-2503 authorizing the sale or property at 108 Snell Avenue to Terry and Mary Fleming in the amount of \$2,500.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **R-2504** authorizing the sale of property at 109 Snell Avenue to Michael Roth, in the amount of \$1,000.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve R-2504 authorizing the sale of property at 109 Snell Avenue to Michael Roth in the amount of \$1,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **R-2505** authorizing the sale of property at 909 S. Washington to Shawn and Katherine Jones, in the amount of \$50,000.00. Assistant City Manager, Mike Guinn, informed the Commission that the sale will close in September. Mr. Jones plans to apply for the Neighborhood Revitalization Program with EDC. Once it is approved through the EDC, it will be brought before the Commission for action. Mr. Jones plans to start construction of the bike shop in December and open for business late March/early April. Commissioner Rhodes moved, seconded by Commissioner Talley to approve R-2505 authorizing the sale of property at 909 S. Washington to Shawn and Katherine Jones in the amount of \$50,000.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval of **Pay Request #4** by Fort Development, L.C., for Olivia Farms Subdivision streets, in the amount of \$698,987.23 and storm, water, sanitary sewer, in the amount of \$153,964.23, for total reimbursement of \$852,951.46. Commissioner Rhodes moved, seconded by Commissioner Heldstab to approve Pay Request #4 by Fort Development, L.C., for Olivia Farms Subdivision streets in the amount of \$698,987.23 and storm, water, sanitary sewer in the amount of \$153,964.23 for total reimbursement of \$852,951.46. Ayes: Heldstab, Rhodes, Talley, Wunder. Nays: Taylor. Motion carried four to one. Commissioner Taylor stated that he voted against this motion because he has been opposed to the project from the beginning.

- j. The consideration and approval of **Award of Bid** to Glessner Excavating for demolition of the following properties:
1. 1204 N. Madison, in the amount of \$1,970.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the award of bid to Glessner Excavating for demolition of 1204 N. Madison in the amount of \$1,970.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  2. 434 W. 4<sup>th</sup> Street, in the amount of \$2,625.00. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the award of bid to Glessner Excavating for demolition of 434 W. 4<sup>th</sup> Street in the amount of \$2,625.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  3. 907 N. Mier, in the amount of \$2,230.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the award of bid to Glessner Excavating for demolition of 907 N. Mier in the amount of \$2,230.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  4. 119 W 12<sup>th</sup> Street, in the amount of \$1,650.00. Commissioner Rhodes moved, seconded by Commissioner Taylor to approve the award of bid to Glessner Excavating for demolition of 119 W. 12<sup>th</sup> Street in the amount of \$1,650.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.
  5. 418 W. 15<sup>th</sup> Street, in the amount of \$1,725.00. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the award of bid to Glessner Excavating for demolition of 418 W. 15<sup>th</sup> Street in the amount of \$1,725.00. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

## GENERAL DISCUSSION

*(The Commission requests that comments be limited to a maximum of five minutes for each person).*

**Scott Johnson, 602 Stone Ridge Drive, Junction City, KS** stated that Olivia Farms costs approximately \$10 million for 360 lots. Did they ever estimate assessments? Mr. Johnson wanted to know what the City paid for the building at 909 South Washington. Mr. Guinn stated the price for the building and the land was \$355,000.00. Mr. Johnson stated that the building was sold for \$50,000.00 well below the purchase price. The Commission informed Mr. Johnson that only the building had been sold; the City retains the land. Mr. Johnson stated that the City waited a long time to sell and what is going to be done with the rest of the land? He feels that this was not money well spent to keep the land as a parking lot. Mr. Johnson stated that most developers have to pay for the sidewalks to be built; why doesn't Olivia Farms? Mr. Johnson stated that about half of the homes in Deer Creek are rented. To keep approving things like this is just crazy. Houses can't be sold and must be rented instead. Mr. Johnson stated that the City paid way too much for the building and land on South Washington and he can't justify the purchase.

**David Alexander, 1204 McFarland Road, Junction City, KS** stated that he was really confused because the information that was discussed this evening regarding Olivia Farms stated that \$9.48 million was paid for Olivia Farms and the number of lots have not been confirmed. He stated that he is looking forward to the meeting with the Mayor.

## COMMISSIONER COMMENTS

**Commissioner Taylor** stated that he owes Bob Henderson and his wife an apology. At the last meeting Commissioner Taylor made the comment that before the City purchases tickets, prices should be researched to ensure the City gets the best price. Commissioner

Taylor stated that Mr. Henderson mistook his comment and he was not speaking about the ticket prices for the AUSA trip to Washington DC. Commissioner Taylor also stated that the Church of the Covenant is going to celebrate its 150<sup>th</sup> celebration at 4:30 p.m. on Saturday.

**Commissioner Heldstab** stated that the Opera House is moving along and thanked all of the parties involved. He thanked the Little Theater in their decision to post pone their first production scheduled in the Opera House until the Opera House is ready. Commissioner Heldstab asked City staff to check with the Post Office to see what their plans are for the stone wall. The Commission was informed that the City does not have any jurisdiction on Federal property; the City can not mandate any repairs or conduct any inspections on the property. Assistant City Manger, Mike Guinn, stated that the would meet with the Post Master regarding this issue.

**Commissioner Rhodes** asked for an update on the street lights on 6<sup>th</sup> Street. City Engineer, Christina Cook, stated that she would check with Westar on the status. Commissioner Rhodes wished Fire Chief Mike Ryan good luck with his retirement and that he will be missed.

**Mayor Wunder** congratulated Fire Chief Mike Ryan on his retirement after 34 years with the City.

#### EXECUTIVE SESSION

Commissioner Heldstab moved, seconded by Commissioner Taylor to adjourn into executive session at 8:45 p.m. to discuss the acquisition of real estate. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the Commission, Assistant City Manager, City Engineer, and City Attorney.

Commissioner Heldstab moved, seconded by Commissioner Taylor to reconvene into regular session at 8:54 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

#### ADJOURNMENT

Commissioner Rhodes moved, seconded by Commissioner Talley to adjourn at 8:55 p.m. Ayes: Heldstab, Rhodes, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 30<sup>th</sup> DAY OF SEPTEMBER, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR SEPTEMBER 16<sup>th</sup> 2008.

  
Tricia Gowen, City Clerk

  
Mick Wunder, Mayor